

May 3, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0262

James E. Taylor, Jr.

Matoaca Magisterial District
Vicinity of 13701 Cedar Creek Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- C. Approval of this request will set a precedent for future Variances to build homes along this private access easement.

GENERAL INFORMATION

Location:

This request lies on one (1) acre located 294.75 feet east of Cedar Creek Road measured from a point 0.6 mile south of River Road in the vicinity of 13701 Cedar Creek Road. Tax ID 701-638-1530. Access will be across Tax ID 700-638-Part of 9133 (Sheet 30).

Existing Zoning:

A

Size:

1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential and vacant
East - A; Vacant
West - A; Vacant

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Rural Conservation Use

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

This parcel was created without road frontage. This Variance will allow for a single family dwelling to be built.

The applicant purchased the adjacent property immediately to the west of the subject property in 1974 and built a home. This property fronts on Cedar Creek Road and contains 1.186 acres.

The subject property is owned by Adam Clay Taylor, son of the applicant, James Taylor, Jr. and was created in 1976. This property was transferred to Adam Clay Taylor in 2003. It is located approximately 295 feet east of Cedar Creek Road and consists of one (1) acre. The applicant purchased the adjacent property immediately to the east of the subject property in 1993. The

applicant has another no public road frontage Variance request pending on that property (Case 06AN0263). This property contains 5.6 acres and was also transferred to the son in 2003. The division of the subject property did not meet the requirements of the Subdivision Ordinance. A validated plat application is required to correct the division of the subject property.

If frontage and width standards cannot be met, the parcel is eligible to apply for a Variance. Therefore, the applicant is applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The proposed access to the subject property is via a private easement across property located at 13701 Cedar Creek Road which is owned by the applicant. Also, staff notes that this request is adjacent to request 06AN0263 which will use the same access.

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property is eligible for the plat validation process. The Board of Zoning Appeals must determine if a public road must be constructed to State standards or a Variance granted for no public road frontage.

Staff inspected the property and observed the access and the subject property are unimproved.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) will cover their concerns, if approved.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. Staff finds no physical hardship to the property owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.

2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
 - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



RIVER RD

CEDAR CREEK RD

A

A

A

06AN0262
VARIANCE
SH 30

1,200 600 0 Feet

N





